

- 4. DISCOVERY CLOSURE DEADLINE:** All pretrial discovery authorized by the Federal Rules of Civil Procedure and related to Class Discovery shall be completed on or before **September 29, 2023**. (“Closure Date”). All Class Discovery shall be completed, not simply submitted, on or before the Closure Date. Accordingly, discovery requests shall be served and depositions shall be scheduled in a manner that allows sufficient time for completion within the time specified by the Federal Rules of Civil Procedure, the Local Court Rules, and/or orders of this Court. Class Discovery shall not be conducted after the Closure Date, except by order of the Court for good cause shown. Nothing contained herein shall excuse a party from the continuing obligation to update responses to discovery or to respond to discovery requests made before the Closure Date.
- 5. CONTACT WITH COURT:** A party seeking a telephone conference for any purpose or information regarding practice in this division shall contact the Courtroom Deputy at Tracy_Diefenbach@mow.uscourts.gov at (816) 512-5376.
- 6. DISCOVERY DISPUTE PROCEDURE:** Should any discovery dispute arise, the parties are directed to comply with Local Rule 37.1. Absent full compliance with this rule, the Court will not entertain any discovery motion. A party seeking a telephone conference for discovery purposes shall direct the inquiry to the Courtroom Deputy.
- a. POSITION LETTER:** At least **three (3) days before** any discovery dispute conference or hearing, counsel for each party shall submit a Position Letter by email to the Courtroom Deputy. All Position Letters will be kept confidential.

- i. The Position Letter must not exceed one (1) page and shall not include any attachments or exhibits. The Position Letter should be typed in 12-point Arial font and have one-inch margins.**
 - ii. The Position Letter shall describe the underlying facts of the dispute, the party's arguments relative to the dispute, and a discussion of the opposing party's anticipated arguments.**
- b. To ensure candor, the Position Letter shall not be filed with the Court nor shared with opposing counsel; rather, each letter shall be send to the Courtroom Deputy by PDF email attachment.**

7. MOTIONS TO DEPART FROM RULES: The following motions shall be filed at least **three (3) days before** the deadline established the Federal Rules of Civil Procedure or Local Rules:

- c. Motion for Extension of Time (Fed. R. Civ. P. 6, 31, 33, 34, 36)** A motion for extension of time shall include:
 - i. the date when the pleading, response, or other action is/was first due;**
 - ii. the number of previous extensions and the date the last extension expires;**
 - iii. the cause for the requested extension, including a statement as to why the action due has not been completed in the allotted time; and**
 - iv. whether opposing counsel consents or objects to the requested extension.**

Note: lack of objection from opposing counsel is not binding on the Court.

- d. Motion to Exceed the Page Limit (Local Rules 7.0, 56)** A motion to exceed the page limitation shall include:

- i. the number of previous requests for leave to exceed the page limits throughout the course of the litigation;
- ii. the particular reason for the request for leave, including why the action due cannot be completed within the allotted page limit; and
- iii. whether opposing counsel consents or objects to the requested extension.

Note: lack of objection from opposing counsel is not binding on the Court.

IT IS SO ORDERED.

DATED: April 5, 2023

/s/ Brian C. Wimes
JUDGE BRIAN C. WIMES
UNITED STATES DISTRICT COURT